

REMARKS

In the Office Action, claims 30-37 have been rejected under 35 U.S.C. § 103. Claim 30 has been amended; claims 38-44 have been added; and claim 31 has been canceled without prejudice or disclaimer. Claims 1-29 have been withdrawn pursuant to Applicants' previously-filed Response to the Restriction Requirement regarding same. Applicants respectfully submit that the rejections have been overcome or are improper in view of the amendments and for the reasons set forth below.

With respect to the obviousness rejections, the Patent Office primarily relies on the combined teachings of U.S. Patent No. 5,905,275 ("*Nunoue*") and U.S. Patent No. 6,072,197 ("*Horino*"). To remedy the deficiencies of same, the Patent Office relies on the *Wolf* reference. Even if combinable, Applicants believe that the cited art is deficient with respect to the claimed invention.

Of the pending claims at issue, claim 30 is the sole independent claim. Claim 30 relates to a method of fabricating a semiconductor light emitting device and has been amended as previously discussed. Claim 30 recites forming a wurtzite-type compound semiconductor layer on a substrate oriented along a principal plane such that a difference-in-height portion is formed in a surface of the wurtzite-type compound semiconductor; forming a crystal growth layer at least a portion of which is oriented along an inclined plane inclined with respect to the principal plane by crystal growth on the surface; applying a first conductive cladding layer, an active layer, and a second conductive layer in a stacked arrangement along a region extending in parallel to the inclined plane; forming a first mask material layer, wherein a first window region is formed in the first mask material layer and a first electrode layer is formed through the first window region; and forming a second mask material layer wherein a second window region is formed in the second mask material layer at a position different from that of the first window region and a second electrode layer is formed through the second window region wherein one or more light emission regions that have different characteristics are formed by using the first electrode layer and the second electrode layer.

In a crystal layer formed on a facet structure having an inclined plane, Applicants have recognized that an effective V/III ratio is determined by a complicated combination of a location, orientation of a crystal plane, and a light. The growth of the facet structure is also dependent on

growth conditions, such as growth temperature. From experimental data obtained by examining cathode luminescence of a double hetero structure produced by selective growth in accordance with an embodiment of the present invention, it was revealed that the emission wave length of an upper portion of the double hetero structure is longer than that of a lower portion of the double hetero structure by about 100 nanometers. This experimental data showed that by providing different electrodes at different locations of the double hetero structure, two or more light emission regions having different emission wavelengths can be provided with respect to a single crystal growth and thus a semiconductor light emitting device for emitting light of multi-colors or admitting white light can be fabricated via a single crystal growth. See, Specification, beginning on page 16 at line 27 to page 17 at line 7. Illustrative of the present invention are the light emitting devices as shown in the figures, such as Figures 7-11, and the corresponding text disclosed in the written description of the specification.

In contrast, the two primary references (e.g., *Nunoue* and *Horino*), even if combined, are clearly deficient with respect to the claimed invention. Indeed, the Patent Office has relied on the secondary reference (*Wolf*) in support of the obviousness rejection with respect to claim 31 which features in substantial form have been added to amended claim 30.

Further, Applicants do not believe that the Patent Office can rely solely on *Wolf* to remedy the deficiencies of *Nunoue* and *Horino* with respect to amended claim 30 and claims that depend therefrom. Indeed, the Patent Office merely states that *Wolf* may also form a second masked material layer wherein a second window region is formed in the second masked material layer at a position different from that of the first window region and wherein a second electrode layer is formed through the second window region as required by amended claim 30. Further, nowhere does the cited art disclose or suggest that one or more light emission regions with different characteristics can be formed by using the first electrode layer and the second electrode layer as further required by amended claim 30. Again, Applicants have discovered that a semiconductor light emitting device for emitting light of multi-colors or emitting white light can be fabricated via single crystal growth by providing different electrodes at different locations of the double hetero structure having an inclined plane.

Based on at least these noted differences, Applicants believe that the cited art fails to disclose or suggest at least a number of features of the claimed invention. Therefore, Applicants

respectfully submit that the cited art, even if combinable, fails to render obvious the claimed invention.

Accordingly, Applicants respectfully submit that the obviousness rejections should be withdrawn.

Applicants note that claims 38-44 have been newly added as previously discussed. Of these claims, claim 38 is the sole independent claim. Claim 38 relates to a method of producing a semiconductor light emitting device. The method includes the steps of forming a wurtzite compound layer having a surface that has a difference-in-height portion; forming a crystal growth layer on the surface of the wurtzite compound layer wherein at least a portion of the crystal growth layer is oriented along an inclined plane selected from the group consisting of an S-plane, a {11-22} plane and planes substantially equivalent thereto; and forming a first conductive layer, an active layer and a second conductive layer in a sequential manner on the crystal growth layer such that the first conductive layer, the active layer and the second conductive layer are oriented along the inclined plane. Claims 39-44 essentially recite the additional limitations as provided in claims 32-37, respectively. No new matter has been added thereby. Further, Applicants believe that the newly added claimed subject matter is patentable over the cited art, even if combinable.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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